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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

FEB 28 2022

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ARIZONA CORPORATION COMMISSION  
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IN THE MATTER OF THE APPLICATION OF  
SALT RIVER PROJECT AGRICULTURAL  
IMPROVEMENT AND POWER DISTRICT, IN  
CONFORMANCE WITH THE REQUIREMENTS  
OF ARIZONA REVISED STATUTES, SECTION  
40-360 et seq., FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY  
AUTHORIZING THE EXPANSION OF THE  
COOLIDGE GENERATING STATION, ALL  
WITHIN THE CITY OF COOLIDGE, PINAL  
COUNTY, ARIZONA.

DOCKET NO. L-00000B-21-0393-00197

PROCEDURAL ORDER

**BY THE COMMISSION:**

On February 23, 2022, the Arizona Power Plant and Transmission Line Siting Committee ("Committee") issued a Certificate of Environmental Compatibility ("CEC") to the Salt River Project Agricultural Improvement and Power District ("SRP") authorizing the expansion of the Coolidge Generating Station, all within the City of Coolidge, Pinal County, Arizona.

Sierra Club, Western Resource Advocates ("WRA"), residents of Randolph Arizona ("Randolph Residents") and the Commission's Utilities Division ("Staff") are intervenors in this matter.

On February 24, 2022, the Commission's Legal Division filed Staff's Notice of Filing Sample Forms of Order for Case No. 197.

Also on February 24, 2022, SRP filed a Request for Consideration at Special Open Meeting, requesting that the Commission consider the CEC on March 25, 2022.

On February 25, 2022, Randolph Residents filed an Opposition to Request for Consideration at Special Open Meeting on March 25, 2022, requesting that the matter be heard at the Commission's Regular Open Meeting scheduled on April 12-13, 2022, to give Randolph Residents sufficient time to consider the impact of the conditions in the CEC.

1 On the same date, pursuant to A.R.S. § 40-360.07(A), Randolph Residents filed a Request for  
2 Review of the Line-Siting Committee Decision by the Corporation Commission. Randolph Residents  
3 requested that pursuant to A.R.S. § 40-360.07(B), the Commission request written briefs or oral  
4 argument.

5 Pursuant to A.R.S. § 40-360.07, the Commission hereby sets the matter for taking of briefs and  
6 oral argument.

7 A.R.S. § 40-360.07(B) provides that the Committee “shall transmit to the commission the  
8 complete record, including a certified transcript, and the review shall be conducted on the basis of the  
9 record”. Accordingly, the Committee shall transmit the complete record to the Commission, if it has  
10 not already done so.

11 A.R.S. § 40-360.07(B) is clear that the Commission is allowed to make its decision in this  
12 matter based only on the record created by the proceedings before the Committee. The record is closed,  
13 and additional testimony and evidence cannot be considered by the Commission when making its  
14 decision on the CEC. However, the Commission is authorized to hear oral argument and take briefs  
15 discussing the testimony and evidence already contained in the record. The Commission is aware that  
16 the record in this matter is sizeable. Concise briefs that cite to the record (transcript page, exhibit  
17 number) will assist the Commission in its review and decision making. A.R.S. § 40-360.07 provides :  
18 “In arriving at its decision, the commission shall comply with the provisions of § 40-360.06 and shall  
19 balance in the broad public interest, the need for an adequate, economical and reliable supply of electric  
20 power with the desire to minimize the effect thereof on the environment and ecology of this state”.  
21 Briefs that address this standard of review and decision making while citing to specific evidence in the  
22 record will assist the Commission. To this end, in their briefs parties shall cite to those portions of the  
23 record that address each of the factors set forth in A.R.S. § 40-360.06 as well as those portions of the  
24 record that address the need for an adequate, economical and reliable supply of electric power and for  
25 minimization of the effect thereof on the environment and ecology of the state.

26 To ensure that the public has a sufficient opportunity to comment on the CEC review. To  
27 Commission will also accept telephonic public comments during the March 15, 2022, Open Meeting.  
28 The agenda for the March 15, 2022, Open Meeting will provide the directions for providing public



comment. Parties are encouraged to use their social media platforms or other forms of communication with their constituents to inform the public of the opportunity to comment.<sup>1</sup>

Parties will not be permitted to make public comment at the Open Meeting but will be permitted to argue their positions during oral argument.

The Commission is authorized to hear oral arguments to assist in its decision making. Again, the statute is clear that the record is closed to evidence and testimony. Oral arguments that address the evidence and testimony in the record, and an opportunity for questions by the Commissioners, will assist the Commission in its decision making. Accordingly, we will set oral arguments to commence on March 16, 2022, during the second day of the Commission's regularly scheduled Open Meeting. These oral arguments will be made by the parties to the proceeding only, and no public comment will be taken at that time. The Commission's vote on the matter will be scheduled for an Open Meeting to be determined.

IT IS THEREFORE ORDERED that the **parties shall, no later than 4 p.m. on March 14, 2022, file concise written briefs, containing citations to the record**, addressing the factors required by § 40-360.06 and the requirement to balance in the broad public interest, the need for an adequate, economical and reliable supply of electric power with the desire to minimize the effect thereof on the environment and ecology of the state.

IT IS FURTHER ORDERED that public comment on this matter will be heard on March 15, 2022, during the regularly scheduled Open Meeting, as set forth in the forthcoming Open Meeting agenda.

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<sup>1</sup> Persons interested in receiving email notifications of filings in this docket, including notice of the agenda, may Follow-A Docket. The Follow-A-Docket service requires an ACC Portal account (<https://efiling.azcc.gov/login>). A person can sign up to follow one or many dockets and can choose to unfollow a docket at any time. A person who is following a docket **will receive an email each time a filing is made** in the docket (**regardless of who made the filing**). The email states the type of document filed and provides a link to access a PDF of the document. Information on how to Follow a Docket is available on the Commission's website ([azcc.gov](http://azcc.gov)) by clicking on "**Cases and Open Meetings**" and then clicking on "**Follow a Docket or Document Type**." A person who elects to follow a docket is not added to the service list. Alternatively, interested persons may check the calendar on the Commission's website ([www.azcc.gov](http://www.azcc.gov)) for a link to the Open Meeting agenda.

1 IT IS FURTHER ORDERED that **SRP and Intervenor**s shall use their social media accounts  
2 and other available means of communication to **disseminate notice** to the public that telephonic public  
3 comments will be taken on March 15, 2022.

4 IT IS FURTHER ORDERED that oral argument by the parties to the proceeding shall be held  
5 before the Commission during the second day of the Commission's regular Open Meeting on March  
6 16, 2022, as set forth on the Open Meeting agenda.

7 IT IS FURTHER ORDERED that the **Commission vote on this matter** will be set for an Open  
8 Meeting to be determined.

9 IT IS FURTHER ORDERED that **the Committee shall**, if it has not already, **promptly**  
10 **transmit the complete record to the Commission.**

11 IT IS FURTHER ORDERED that any person may sign up to follow this and any other docket  
12 through the ACC Portal, as described on the Commission's website ([www.azcc.gov](http://www.azcc.gov)) by clicking on  
13 "Cases and Open Meetings" and "Follow a Docket or Document Type."

14 IT IS FURTHER ORDERED that **documents may be eFiled** in this docket and that instructions  
15 and restrictions for eFiling are available on the Commission's website at [http://azcc.gov/hearing/efile-](http://azcc.gov/hearing/efile-for-utilities-instruction)  
16 [for-utilities-instruction](http://azcc.gov/hearing/efile-for-utilities-instruction).

17 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
18 31, 31.1, 31.2, 31.3, 38, 39, and 42 with respect to the practice of law and admission *pro hac vice*.

19 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
20 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona  
21 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings  
22 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for  
23 discussion, unless counsel has previously been granted permission to withdraw by the Administrative  
24 Law Judge or the Commission.

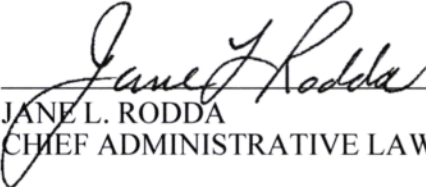
25 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-220 - Unauthorized  
26 Communications) continues to apply to this proceeding and shall remain in effect until the  
27 Commission's Decision in this matter is final and non-appealable.

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1 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
2 pursuant to Rule 6(a)(2) or (c) of the Arizona Rules of Civil Procedure.

3 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or  
4 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
5 hearing.

6 DATED this 28<sup>th</sup> day of February, 2022.

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9 JANE L. RODDA  
10 CHIEF ADMINISTRATIVE LAW JUDGE  
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On this 28<sup>th</sup> day of February, 2022, the foregoing document was filed with Docket Control as a Procedural Order – Sets Miscellaneous Filing Dates, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

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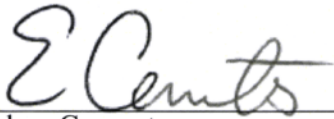
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